



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **22.10.2020**

CORAM:

THE HONOURABLE MR.JUSTICE **K.KALYANASUNDARAM**

Writ Petition (MD)No.15064 of 2020

A.Bhaskar

...Petitioner

Vs.

1. The Assistant Director,
Mines and Minerals Department,
Ramanathapuram District.

2. The Inspector of Police,
Thondi Police Station,
Ramanathapuram District.

3. The Deputy Tahsildar,
Thiruvadanai Taluk,
Ramanathapuram District.

...Respondents

Prayer: Petition filed under Article 226 of the Constitution of India for the issuance of a Writ of Mandamus directing the respondents to release the petitioner's vehicle (JCB) bearing Registration No.TN-65-AL-8929 which is under the custody of the second respondent forthwith.

For Petitioner : Mr.V.Panneer Selvam
For Respondents : Mr.J.Gunaseelanmuthaiah
Additional Government Pleader

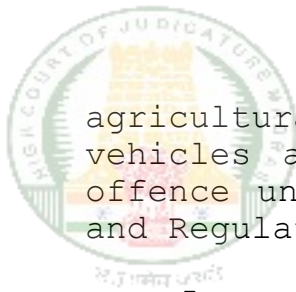
ORDER

This writ petition has been filed for a Mandamus, seeking for a direction to the respondents to release the petitioner's vehicle, namely, JCB, bearing Registration No.TN-65-AL-8929, which is under the custody of the second respondent forthwith.

2. Heard Mr.V.Panneer Selvam, learned counsel appearing for the petitioner and Mr.J.Gunaseelanmuthaiah, learned Additional Government Pleader appearing for the respondents.

3. By consent of both parties, the Writ Petition is taken up for final disposal at the admission stage itself.

4. It is the case of the petitioner that on 20.10.2020, at 09.00 a.m., when he engaged his JCB to transport the waste soil (Savadu Manal) within his agricultural field, the second respondent Police intercepted the agricultural activities, threatened the



agricultural field workers and vehicle operators, seized the said vehicles and registered a case in Crime No.264 of 2020, for the offence under Section 21(1) of the Mines and Minerals (Development and Regulation) Act, 1957.

5. It is the contention of the petitioner that he is no-way connected with the transportation of the *Savadu Manal* through the vehicle, for which, the First Information Report has been registered. According to him, only for statistical purposes, the second respondent has implicated him in the said case. According to him, the second respondent has unlawfully seized the vehicles, belonging to the petitioner.

6. According to him, the said vehicle is now kept in the open place and exposed to hot sun and rain. If it is continued to be kept idle, the vehicle will lose its value and ultimately, it will become wreck and it is not useful to anyone. In such circumstances, this Writ Petition has been filed for Mandamus, seeking for release of the aforementioned vehicles to the petitioner.

7. Admittedly, the vehicles belonging to the petitioner are now kept in the open place and are exposed to hot sun and rain and to the vagaries of the nature. If they are allowed to be kept in open place for a long period of time, it will ultimately, become wreck. In similar matters, this Court has released the seized vehicles to the respective petitioners, subject to fulfillment of certain conditions. Therefore, this Court is inclined to grant similar relief to the petitioner.

8. Accordingly, this Court directs the respondents to release the petitioner's vehicle, namely, JCB, bearing Registration No.TN-65-AL-8929, subject to the fulfillment of the following conditions:-

(i) *The petitioner is directed to deposit a sum of **Rs.50,000/- (Rupees Fifty Thousand only)** before the first respondent for deposit into the District Mineral Foundation Trust that has been constituted by the first respondent, within a period of two weeks from the date of receipt of a copy of this order.*

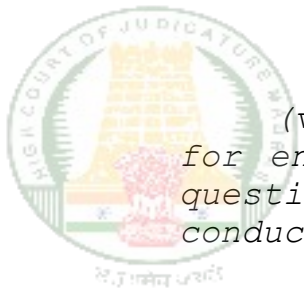
(ii) *The petitioner shall not alienate or encumber the vehicle in question till the proceedings are completed.*

(iii) *The petitioner shall not change the colour and scheme of the vehicle.*

(iv) *The petitioner shall not use the vehicle for any illegal activities.*

(v) *Before releasing the vehicle, the police authority shall take photographs of the vehicle at the cost of the petitioner.*

(vi) *The petitioner shall produce all xerox copies of the documents pertaining to the ownership of the seized vehicle to the first respondent.*



(vii)As and when the respondents call for the vehicle for enquiry, the petitioner has to produce the vehicle in question and he shall cooperate with the enquiry to be conducted by the respondents.

9. If this undertaking given by the petitioner is breached, the petitioner will not be entitled for interim release of the vehicle in the future.

10. The Writ Petition is disposed of accordingly. There shall be no order as to costs.

Sd/-

Assistant Registrar (Records)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

smn2/vsd

Note :- In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1. The Assistant Director,
Mines and Minerals Department,
Ramanathapuram District.
2. The Inspector of Police,
Thondi Police Station,
Ramanathapuram District.
3. The Deputy Tahsildar,
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